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8
9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11
12 BOB CAMPBELL RANCHES, INC., a
California Corporation,

13 Plaintiff,

14 v.

15 UNITED STATES FIRE INSURANCE
16 COMPANY, a Delaware Corporation;
CRUM AND FORSTER, a New Jersey
17 Corporation; and DOES 1 through 50,
inclusive,

18 Defendants.

Case No. 2:15-cv-9118-R-GJS

[Assigned to Hon. Manuel L. Real]

UNITED STATES FIRE
INSURANCE COMPANY'S
REQUEST FOR JUDICIAL NOTICE
FILED IN SUPPORT OF ITS
MOTIONS TO DISMISS FOURTH
AND FIFTH CLAIMS FOR RELIEF
AND TO STRIKE ALLEGATIONS
RE PUNITIVE DAMAGES AND A
NON-EXISTENT NAMED
DEFENDANT

Date: January 19, 2016

Time: 10:00 a.m.

Courtroom: 8

Complaint Filed: September 30, 2015
Case Removed: November 24, 2015

Pursuant to Federal Rule of Evidence Rule 201, and subsection (c)(2) thereof, Defendant United States Fire Insurance Company (“U.S. Fire”) requests that the Court take judicial notice of the September 3, 1993 records of the Secretary of State of the State of Delaware concerning the merger of “Crum and Forster, Inc.” into ARB, Inc. as the surviving corporation on that date. A true and correct copy of these records is attached hereto as Exhibit “A.” The record consist of 12 pages, including the Delaware Secretary of State’s certification of the records.

On a motion to dismiss, the Court may take judicial notice of matters of public record outside the pleadings. *MGIC Indemnity Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986). Thus, under Rule 201(b)(2), a court may take judicial notice of a governmental entity’s official records. *Flores v. City of Hayward*, 2010 U.S. Dist. LEXIS 91374 at *4, citing *Grassroots v. County of San Francisco*, 1994 U.S. Dist. LEXIS 15130, 1994 WL 589359, at *2 fn.1 (N.D. Ca. 1994). Federal Rule of Evidence 201 allows a court to consider official records and reports without converting a 12(b)(6) motion into a Rule 56 motion for summary judgment. *Ricotta v. California*, 4 F. Supp. 2d 961 (S.D.Cal. 1998).

Dated: December 1, 2015

STECKBAUER WEINHART, LLP

By: /s/ John C. Holmes

John C. Holmes

Attorneys for Defendant UNITED STATES
FIRE INSURANCE COMPANY

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 333 S. Hope Street, 36th Floor, Los Angeles, CA 90071.

On December 1, 2015, I served true copies of the following document(s) described as **UNITED STATES FIRE INSURANCE COMPANY'S REQUEST FOR JUDICIAL NOTICE FILED IN SUPPORT OF ITS MOTIONS TO DISMISS FOURTH AND FIFTH CLAIMS FOR RELIEF AND TO STRIKE ALLEGATIONS RE PUNITIVE DAMAGES AND A NON-EXISTENT NAMED DEFENDANT** on the interested parties in this action as follows:

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Attorneys for Plaintiff, BOB
CAMPBELL RANCHES. INC.

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 1, 2015, at Los Angeles, California.

Elizabeth Cervantes